# SUMMONS

Office Address 123 South Avenue East Town, State, Zip Code Westfield, NJ 07090  Rew Jersey  Telephone Number 732-283-1955  Attorney(s) for Plaintiff Progressive Spine & Orthopaedics, LL  Progressive Spine & Orthopaedics, LLC  Plaintiff(s)  CIVIL ACTION  SUMMONS  Aff Bowling Centers, et al.  Defendant(s)  From The State of New Jersey To The Defendant(s) Named Above:  The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint strached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney most file a written answer or motion and proof of service with the deputy eleck of the Superior Court of New Jersey of the addresses of each deputy eleck of the Superior Court in the county listed above and online at history/www.nignuts.gov/form/20132 deputy-elecklaver-faigl. If the complaint is not in force-learer, then you must file your written answer or motion and proof of service with the Clek of the Superior Court, hughes fusite above and online at history/www.nignuts.gov/form/20132 deputy-elecklaver-faigl. If the complaint is not in force-learer, then you must file your written answer or motion and proof of service with the Clek of the Superior Court, hughes fusite Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treaturer, State of New Jersey and a completed Case information Statement (available from the deputy eleck of the Superior Court) must accompany your answer or motion to plaintiff as attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rigitor; you must file and serve a written answer or motion (with fee of \$175,00 and completed Case Information Statement) if you want the court to hear your defense.  If you cannot affurd an attorney you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statiowide Holtine at 1-888-LSNI-LAW (1-888-576-5529). If you do not have an	Attorney(s) Jordan B. Dascal 1-11. / Schiller McMahon LLC	Superior Court of
Telephone Number 732-283-1955  Attorney(s) for Plaintiff Progressive Spine & Orthopaedics, LL.  Progressive Spine & Orthopaedics, LLC  Plaintiff(s)  Vs.  AMF Bowling Centers, Inc. & Wa AMF  Bowling Centers, et al.  Defendant(s)  From The State of New Jersey To The Defendant(s) Named Above:  The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute file complaint, you or your attorney must file a writing answer or motion and proof of service with the deputy eleck of the Superior Court in the county listed above within 35 days from the date you received this augmnons, not counting the date you received it. (A directory of the addresses of each deputy cleck of the Superior Court is available in the Civil Division, Management Office in the county Based above and online at http://www.nicourts.gov/forms/10132_destyclerk/awrs/golf.) If the complaint is one in ferteclosure, then you must file your written answer or motion and proof of service with the Cleck of the Superior Court, layer strates flustice Company your answer or motion and proof of service with the Cleck of the Superior Court, layer strate flustice Company your answer or motion and proof of service with the Cleck of the Superior Court, layer strate flustice to make it is filed. You must also send a copy of your answer or motion to flusting the surface of the Superior Court, layer strate or New Jersey and a completed Case Information Statement (available from the deputy cleck of the Superior Court, layer strate or new or the surface of the Superior Court, layer strate or the surface of the Superior Court in the surface of the surface of the Superior Court player is the court of the surface of the Superior Court was the surface and surface of the Superior Court was company your answer or motion with the feet and serve a written answer or motion t	Office Address 123 South Avenue East	
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No. AMF Bowling Centers, Inc. d/b/a AMF  Bowling Centers, et al.  Defendant(s)  From The State of New Jersey To The Defendant(s) Named Above:  The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received to discusse of seath deputy clerk of the Superior Court in the county listed above within 35 days clerk of the Superior Court in the county listed above and online at http://www.nicourts.gov/forms/10153_dentylent/above/set/doff. If the complaint is one in fercelosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 06625-0971. A filing fice payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiffs attorney whose name and address appear above, to telephane call will not protect your rights; you must file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your intoney, wages or property to pay all or part of the judgment.  If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statowice Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for fere legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Ref	Progressive Spine & Orthopaedics, LLC	
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Name of Defendant to Be Served: AMF Bowlin: Conters, Inc. d/b/a AMF Bowline Centers	from the date you received this summons, not counting the date you to clerk of the Superior Court is available in the Civil Division Managem <a href="http://www.nicourts.gov/forms/10153">http://www.nicourts.gov/forms/10153</a> deptyclerklawref.pdf.) If the countition answer or motion and proof of service with the Clerk of the Superior P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Tinformation Statement (available from the deputy clerk of the Superior it is filed. You must also send a copy of your answer or motion to play or to plaintiff, if no attorney is named above. A telephone call will no answer or motion (with fee of \$175.00 and completed Case Information defense.  If you do not file and serve a written answer or motion within 35 the relief plaintiff demands, plus interest and costs of suit. If judgment money, wages or property to pay all or part of the judgment.  If you cannot afford an attorney, you may call the Legal Services Services of New Jersey Statowide Hotline at 1-888-LSNJ-LAW (1-88 not eligible for free legal assistance, you may obtain a referral to an at A directory with contact information for local Legal Services Offices and Division Management Office in the county listed above and online at	precived it. (A directory of the addresses of each deputy tent Office in the county listed above and online at complaint is one in foreclosure, then you must file your perfor Court, Hughes Justice Complex, treasurer, State of New Jersey and a completed Case or Court) must accompany your answer or motion when intiffs attorney whose name and address appear above, it protect your rights; you must file and serve a written on Statement) if you want the court to hear your days, the court may enter a judgment against you for it is entered against you, the Sheriff may seize your office in the county where you live or the Legal 8-576-5529). If you do not have an attorney and are torney by calling one of the Lawyer Referral Services and Lawyer Referral Services is available in the Civil
	DATED: 09/28/2017	
Address of Defendant to Be Served: 380 U.S. Historia 22, Green Brook, NJ 08812		
	Address of Defendant to Be Served: 380 U.S. Highway 22, Green	Brook, NJ 08812

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Jordan B. Dascal – NJAID #903842012 Schiller McMahon LLC 123 South Avenue East, 2<sup>nd</sup> Floor Westfield, NJ 07090 P: (908) 233-4840 F: (908) 935-0822 Attorney for Plaintiff, Progressive Spine & Orthopaedics, LLC.

PROGRESSIVE SPINE & ORTHOPAEDICS, LLC,

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY

DOCKET NO .:

CIVIL ACTION

Plaintiff,

VS.

AMF BOWLING CENTERS, INC. D/B/A
AMF BOWLING CENTERS AND AMF
BOWLING WORLDWIDE, INC. D/B/A
AMF BOWLING CENTERS

COMPLAINT AND JURY DEMAND

Defendant.

Progressive Spine & Orthopaedics, LLC ("Plaintiff") says by way of Complaint against AMF Bowling Centers, Inc. d/b/a AMF Bowling Centers and AMF Bowling Worldwide, Inc. d/b/a AMF Bowling Centers ("Defendant"), upon information and belief:

### PARTIES, VENUE, JURISDICTION

- At all relevant times, Plaintiff was a healthcare provider in Bergen County, New Jersey.
- 2. Plaintiff, through its employees Dr. Joshua Rovner and Meg Bonner PA-C, provided emergency medical care to Patient M.F. in Englewood, New Jersey on April 6, 2016.
  - 3. The County of Bergen is the proper venue for this matter with the requisite subject

<sup>&</sup>lt;sup>1</sup> For the privacy of the patient, his name has been redacted. However, Plaintiff has provided Defendant the identity of the patient in a separate letter with service of the complaint.

matter jurisdiction pursuant to R. 4:3-2.

- 4. Plaintiff is proceeding on its own individual claims only, and not suing on claims which may have been assigned from Patient M.F.
- 5. At all relevant times, one or both of Defendants was the plan administrator for a self-funded health benefits plan, which provided health benefits to Patient M.F.
- Defendants were responsible to make payments towards Patient M.F.'s medical care.
- 7. At all relevant times Defendants were engaged in significant business in the State of New Jersey, sufficient for this court to have personal jurisdiction over it.
- For example, Defendants maintain a business location in this state, at 380 U.S.
   Highway 22, Green Brook, New Jersey 08812.
- 9. This matter is properly in state court. The Employee Retirement Income Security Act ("ERISA") does not apply, because Plaintiff has no standing to raise an ERISA claim due to the anti-assignment clause in Defendant's ERISA plan.

### BACKGROUND

- 10. This dispute arises out of the Defendants' refusal to pay Plaintiff the money that it is entitled to for necessary emergency medical services Plaintiff provided to Patient M.F.
- On or about April 6, 2016, Patient M.F. was an emergency admission to the Englewood Hospital and Medical Center, in Englewood, New Jersey.
  - 12. Patient M.F. had severe intractable pain, and difficulty moving.
- 13. Plaintiff, through its orthopedic spine surgeon Dr. Rovner, assessed Patient M.F. and determined that he required an emergency surgical spinal decompression.
  - 14. Plaintiff was required by law, policy, and medical ethics to provide Patient M.F.

with such medical care.

- 15. On April 6, 2016, Plaintiff, through Dr. Rovner as a surgeon and Ms. Bonner as his surgical assistant, performed the necessary emergency surgery.
- 16. Subsequently, Plaintiff submitted bills for its physician's and assistant's services to Defendants, through their claims administrator.
- 17. Plaintiff does not have a contract with Defendants or their claims administrator setting payment rates for medical services.
  - 18. Initially, Defendants' claims administrator refused to pay for the surgery at all.
  - 19. Eventually, the claims administrator paid only a small fraction Plaintiffs' bills.
- 20. Inexplicably, the claims administrator paid almost double the amount for the assistant's bill, compared to what it paid for the surgeon's bill.

# Count One (Unjust Enrichment)

- 21. Plaintiff restates and reincorporates its allegations set forth above.
- Plaintiff provided a benefit to Defendants.
- 23. Specifically, Plaintiff provided emergency medical services to Patient M.F., for whom Defendants were obligated to provide and/or make payments towards Patient M.F's medical care.
- 24. By providing those services, Plaintiff relieved Defendants of their obligations to Patient M.F. See e.g., New York City Health and Hose, Corp. v. Wellcare of New York, Inc. 937 N.Y.S.2d 540 (Sup. Ct. N.Y. 2011).
- 25. It would be unfair to allow Defendant to retain the benefit of being discharged of their obligation to pay for the Patient M.F. and/or provide Patient M.F. with medical services, while it has grossly underpaid Plaintiff.

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26. Plaintiff was obligated to provide this care, and deserves to be properly

remunerated for its efforts.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory

damages, consequential damages, interest, attorneys' fees, costs of suit and other relief as the

Court may deem just and proper.

JURY DEMAND

Pursuant to R. 4:35-1, Plaintiff hereby demands a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Jordan B. Dascal, Esq. is hereby designated as trial counsel.

CERTIFICATION

I hereby certify pursuant to R, 4:5-1 that the matter in controversy is not the subject of

any other action pending in any Court or of a pending arbitration proceeding related to claims

arising from medical services provided from Plaintiff to the Patient M.F. No such action or

arbitration proceeding is contemplated by Plaintiff at this time.

SCHILLER MCMAHON'LLC

Dated: 9/28/17

/s/ Jordan B. Dascal

Jordan B. Dascal, Esq.

Attorney for Plaintiff,

Progressive Spine & Orthopaedics, LLC.

Page 4 of 4

M	enu
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# Business Name Search

Required Fields [ \* ]

### Search Criteria

**Business Name \*** 

Progressive Spine & Ortho

Use "%" as a wildcard

Search →

x Cancel (/DOR/BusinessNameSearch/)

#### Show

10

#### entries

Business Name	Entity Id	Туре
PROGRESSIVE SPINE & ORTHOPAEDICS, LLC	0600380329	LLC (Domestic Limited Liability Company

« Previous Next »

# **Division of Revenue & Enterprise Services**

PO (Post Office) Box 450

Frenton, NJ (New Jersey) 08646-0303

## Support

Division of Revenue & Enterprise Services Web Site (http://www.state.nj.us/treasury/revenue/)

Search Help (/DOR/BusinessNameSearch/Home/Help)

Contact Us (https://www.njportal.com/ErrorPages/Contact.aspx)

### Polices & Procedures

Privacy Policy (https://www.njportal.com/ErrorPages/Privacy.aspx)

Accessibility Policy (https://www.njportal.com/ErrorPages/Accessibility.aspx)

Security Policy (https://www.njportal.com/ErrorPages/Security.aspx)

\_egal Statements & Disclaimers (https://www.njportal.com/ErrorPages/Disclaimer.aspx)

Alert to corporations regarding unsolicited mailings from VIRGINIA COUNCIL FOR CORPORATIONS is available from the Bulletin Archive link of the Clerk's Office website.

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Login | Create an Account

SCC eFile > Entity Search > Entity Details

SCC eFile **Business Entity Details** 

Help

FAST. SIMPLE. SECURE

SCC effic

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**Business Entities** 

UCC or Tax Liens

Court Services

Additional Services

# General

SCC ID: 02369973 Entity Type: Corporation Jurisdiction of Formation: VA

AMF Bowling Centers, Inc.

Date of Formation/Registration: 12/27/1982

Status: Active

Shares Authorized: 15000

#### Principal-Office

7313 BELL CREEK ROAD

MECHANICSVILLE VA23111

#### Registered Agent/Registered Office

CT CORPORATION SYSTEM 4701 COX ROAD, SUITE 285 GLEN ALLEN VA 23060 HENRICO COUNTY

Status: Active

Effective Date: 10/4/2013

#### Select an action

File a registered agent change File a registered office address change

Resign as registered agent File an annual report Pay annual registration fee

Order a certificate of good standing

Submit a PDF for processing (What can I submit?)

View eFile transaction history Manage email notifications

New Search | Home

### Screen ID: e1000

Need additional information? Contact sccinfo@scc.virginia.gov Website questions? Contact: webmaster@scc.virginia.gov
We provide external links throughout our site, @

PDF(.pdf) Reader Excel (.xls) Vlewer Point (.ppt) Viewer W Word (.doc) Viewer Build #: 1,0.0.23229

#### Department of State: Division of Corporations

Allowable Characters

HOME About Agency Secretary's Letter Newsroom Frequent Questions Related Links Contact Us Office Location

SERVICES Pay Taxes File UCC's Delaware Laws Online Name Reservation Entity Search Status

Validate Certificate Customer Service Survey

INFORMATION Corporate Forms Corporate Fees UCC Forms and Fees Taxes Expedited Services Service of Process Registered Agents GetCorporate Status

Submitting a Request How to Form a New Business Entity Certifications, Apostilles & Authentication of Documents

View Search Results

**Entity Details** 

THIS IS NOT A STATEMENT OF GOOD STANDING

2571000

Incorporation Date / 12/27/1995 Formation Date: (mm/dd/yyyy)

**Entity Name:** AMF BOWLING WORLDWIDE, INC.

Corporation

Entity Type: General

Residency: Domestic State:

DELAWARE

REGISTERED AGENT INFORMATION

Name:

THE CORPORATION TRUST COMPANY

Address:

File Number:

Entity Kind:

**CORPORATION TRUST CENTER 1209 ORANGE ST** 

City:

WILMINGTON

County: New Castle

State:

DE

Postal Code: 19801

Phone:

302-658-7581

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history

and more for a fee of \$20.00.

Would you like Status Status, Tax & History Information Submit

Back to Entity Search

For help on a particular field click on the Field Tag to take you to the help area.

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### 

aetna

P.O. BOX 981106 EL PASO TX 79998-1106

# Filed 10/30/17 Page 14 of 18 PageID: 20 Explanation Of Benefits

Please Retain for Future Reference

Printed:

05/09/2016

Page:

1 of 2

PIN: TIN: JOSHUA S ROVNER MD 0009515083 XXXXXXXX1855 NO PAY

JOSHUA S ROVNER MD 440 CURRY AVE STE A ENGLEWOOD NJ 07631-1794

N	otes	

Update your address, telephone number, e-mail address and/or NPI information by visiting our website.

Patient Name: Patient Account: Claim ID: Recd: Member ID: Member: Group Name: AMF BOWLING CENTERS, INC. Product: Aetna Choice® POS II Aetna Life Insurance Company SERVICE DATES SERVICE NUM. SVCS SUBMITTED ALLOWABLE AMOUNT COPAY NOT PAYABLE DEDUCTIBLE CO INSURANCE PATIENT PAYABLE AMOUNT CODE REMARKS 23 6303050 45,536.00 45,536.00 0.00 AS 23 6303050 45,536.00 45,536.00 0.00 AS 91,072.00 91,072.00 0.00 **TOTALS** 

**ISSUED AMT:** 

NO PAY

#### Remarks:

1 - Charges for, or in connection with services or supplies that are considered to be experimental or investigational are excluded from coverage under the member's plan. To obtain more information regarding coverage of this service, go to our website and enter the procedure code in the search field or go to NaviNet, select our plan, then "Claims", and "Code Editing, Clinical & Payment Policy Lookup". [775] Your claim has been separated to expedite handling. You will receive a separate notice for the other services reported. (E73)

For Questions Regarding This Claim
P.O. BOX 981106 EL PASO, TX 79998-1106

CALL (888) 632-3862 FOR ASSISTANCE

26,491.00

Total Patient Responsibility:

\$0.00

Note: All Inquiries should reference the ID number above for prompt response.

Claim Payment:

\$0.00

Patient	Na	me:			(spous							
Claim ID: Recd:		Me	Member ID:		Patient Account:							
Member:									<del></del> ,			
Group Name:	AMF	BOWLING (	CENTER	RS, INC.								
Product: Aetn	a Cho	oice® POS I	I									
Aetna Life Ins	uran	ce Compan	У									
SERVICE DATES	PL	SERVICE CODE	NUM. SVCS	SUBMITTED Charges	ALLOWABLE AMOUNT	COPAY AMOUNT	NOT PAYABLE F	SEE REMARKS	DEDUCTIBLE	CO Insurance	PATIENT RESP	PAYABLE AMOUNT
	22	2284DAS		26,491.00			26,491.0	0 1			26,491.00	0.00

**ISSUED AMT:** 

NO PAY

0.00

26,491.00

#### Remarks:

**TOTALS** 

26,491.00

<sup>1 -</sup> A claim has not been received from the primary surgeon. Assistant surgery claim is not eligible unless a claim with the same procedure is received from the primary surgeon. This claim will be reconsidered upon receipt of the surgeon's claim. [X37]

## 



JOSHŬA S ROVNER MD

ENGLEWOOD NJ 07631-1794

440 CURRY AVE STE A

Mailing Address:

P.O. BOX 981106 EL PASO TX 79998-1106

# Explanation Of Benefits Please Retain for Future Reference

Printed:

05/09/2016

Page:

2 of 2

PIN:

JOSHUA S ROVNER MD 0009515083

TIN:

XXXXXXXXX1855 NO PAY

Patient Name:

(spouse)

Remarks (contd):

Your claim has been separated to expedite handling. You will receive a separate notice for the other services reported. (E73)

For Questions Regarding This Claim
P.O. BOX 981106 EL PASO, TX 79998-1106

CALL (888) 632-3862 FOR ASSISTANCE

Note: All Inquiries should reference the ID number above for prompt response.

Total Patient Responsibility:

\$26,491.00

Claim Payment:

\$0.00

Protecting the privacy of member health information is a top priority. When contacting us about this statement or for help with other questions, please be prepared to provide your provider number, tax identification number (TIN), or Social Security number (SSN), in addition to the member's ID number.

ELLIOTT GREENLEAF, P.C.

BY: GREGORY S. VOSHELL Union Meeting Corporate Center 925 Harvest Drive, Suite 300 P.O. Box 3010 Blue Bell, PA 19422 (215) 977-1000 (215) 977-1099 (Fax) gsv@elliottgreenleaf.com Attorneys for Defendant

U

PROGESSIVE SPINE & ORHTOPAEDICS, LLC,

Plaintiff,

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

DOCKET NO. L-6593-17

v.

CIVIL ACTION

AMF BOWLING CENTERS INC. D/B/A AMF BOWLING CENTERS AND AMF BOWLING WORLDWIDE, INC. D/B/A AMF BOLWING CENTERS

Defendant.

## PRAECIPE OF FILING NOTICE OF REMOVAL

AND NOW COME Defendants AMF Bowling Centers, Inc. and AMF Bowling Worldwide, Inc., by and through their undersigned counsel, to hereby advise this Court that the matter has been removed to the United States District Court for District of New Jersey ("District Court"), in accordance with 28 U.S.C. §§ 1441 and 1446. A copy of the Notice of Removal filed with the District Court is attached hereto as Exhibit "A." Defendants filing of this and the attached Notice of Removal with the Superior Court of New Jersey, Law Division, Bergen County, shall effect removal, and this Court may proceed no further unless and until this case is remanded.

Respectfully submitted,

/s/ Gregory S. Voshell
Gregory S. Voshell
ELLIOTT GREENLEAF, P.C.
925 Harvest Drive, Suite 300
Blue Bell, PA 19422

DATE: October 30, 2017

Counsel for Defendants